

REMARKS

Applicants respectfully request reconsideration of the present U.S. Patent application.
Claims 1-5 and 7-28 are pending.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 12-13, 16-19 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,937,863 issued to Robert et al. in view of U.S. Patent No. 5,911,045 issued to Leyba et al.

Claim 1 recites the following:

an electronic asset lending library database containing a plurality of user accounts and at least one license for an electronic asset assigned by a user having one of the plurality of user accounts;

an account manager to maintain the user accounts;

an asset manager to maintain the licenses for the electronic assets; and

a loan manager to control the assignment of the license for the electronic asset to another user having another one of the plurality of user accounts.

Claims 12 and 16 similarly recite an electronic asset assigned by a user having one of a plurality of user accounts and controlling the assignment of the license of the electronic asset to another user having another one of the plurality of user accounts.

Roberts discloses a software licensing management system that controls the usage of a licensed program within the scope of the license. Roberts does not disclose, teach, or suggest an electronic asset assigned by a user having one of a plurality of user accounts and controlling the assignment of the license of the electronic asset to another user having another one of the plurality of user accounts.

The Office Action states that Leyba teaches providing a plurality of users being registered over a network to share information. However, Leyba's teaching of a plurality of users being

registered over a network to share information does not teach a system or method including at least one license for an unused electronic asset assigned by a user having one of the plurality of user accounts and controlling the assignment of the license of the electronic asset to another user having another one of the plurality of user accounts. Therefore, Leyba does not cure the deficiencies of Roberts.

The Office Action further states that the invention as claimed is similar to a situation in which a movie producer going to Blockbuster to rent a movie or an author having a library card. Applicants respectfully disagree. When the movie producer goes to Blockbuster to rent a movie, he has an account (user/lender account) that only allows him to rent movies. His Blockbuster account does not entitle him to loan a movie of his own to another Blockbuster customer and set restrictions on this loan. The loan restrictions for a Blockbuster movie, such as the number of days for a rental or the price of a rental, are set by a Blockbuster employee with a manager-type account (not a user/lender account).

Similarly, when an author goes to a library, her library card (user/lender account) only allows her to borrow books. The library card does not allow her to loan a book to another person with a library card and set restrictions on this loan. The loan restrictions for a library book, such as the number of days of the loan or the fine for an overdue book, are set by a library employee with a manager-type account (not a user/lender account).

In contrast, the present invention as claimed recites a system which allows a user having one of a plurality of **user accounts** to loan an electronic asset to another user having another of the plurality of **user accounts**. Therefore, the invention as claimed in claims 1, 12, and 16 is patentable over the cited prior art.

Claims 2-5, 7-11, 13-15, and 17-21 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their

own. Therefore, Applicants submit that claims 2-5, 7-11, 13-15, and 17-21 are patentable over the cited prior art for at least the reasons set forth above.

Claims 22-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,745,879 issued to Wyman in view of U.S. Patent No. 5,911,045 issued to Leyba et al.

Claim 22 recites the following:

managing a plurality of user accounts;
generating a license and associated license restrictions for an electronic asset on a lending library server, the electronic asset assigned by a user having one of the plurality of user accounts;
displaying to an assignee having another one of the plurality of user accounts the license and associated license restrictions on a lending library client;
receiving an assignee's selection for the license and transferring the license to the assignee if eligible in accordance with the associated license restrictions; and
transmitting to the assignee instructions for the installation of the electronic asset in compliance with the transferred license on the lending library client.

Wyman discloses a method for managing the execution of licensed programs. In Wyman's system, the user node can only make a request, identifying itself by user, platform, process, etc., and the license management facility calculates whether or not the license can be granted (that is, units are available for allocation), without the user node having access to any of the license data or calculation. (See col. 6, line 64 to col. 7, line 3).

Wyman does not disclose, teach, or suggest allowing a user having one of a plurality of user accounts to assign an electronic asset to another user having another one of the plurality of user accounts. Furthermore, Wyman does not disclose, teach, or suggest allowing the user to set license restrictions for the borrowing of the unused electronic asset, and transferring the license to an assignee having another of the plurality of user accounts in accordance with the restrictions set by the user. These limitations are recited in claim 22.

The Office Action states that Leyba teaches providing a plurality of users being registered over a network to share information. Applicants submit that Leyba's teaching of a plurality of users being registered over a network to share information does not teach a system or method that allows a user having one of a plurality of user accounts to assign an electronic asset to another user having another one of the plurality of user accounts, allows the user to set license restrictions for the borrowing of the unused electronic asset, and transfers the license to an assignee having another of the plurality of user accounts in accordance with the restrictions set by the user. Therefore, Leyba does not cure the deficiencies of Wyman.

As discussed above, the situations cited in the Office Action of a movie producer going to Blockbuster to rent a movie or an author having a library card are different from the present invention. The movie producer's Blockbuster account (user/lender account) does not allow the movie producer to loan a movie to another Blockbuster customer and set restrictions on this loan. Similarly, the author's library card (user/lender account) does not entitle the author to loan a book to another library client and set restrictions on this loan. The restrictions on these loans are set by an employee of Blockbuster or the library, who has a manager-type account (not a user/lender account). Therefore, these situations are different from the present invention, which is a system in which a user having one of a plurality of user accounts assigns an electronic asset to another user having another one of the plurality of user accounts. The system allows the user to set license restrictions for the borrowing of the unused electronic asset, and transfers the license to another user having another of the plurality of user accounts in accordance with the restrictions set by the user.

None of the cited prior art discloses the invention as claimed in claim 22. Therefore, Applicants submit that claim 22 is patentable over the cited prior art.

Claims 23-28 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that claims 23-28 are patentable over the cited prior art for at least the reasons set forth above.

Claims 4-5, 7-10, 11, 14-15, 20, 27, and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,937,863 issued to Robert et al. in view of U.S. Patent No. 5,892,900 issued to Ginter et al. in view of U.S. Patent No. 5,911,045 issued to Leyba et al and further in view of U.S. Patent No. 5,745,879 issued to Wyman.

As discussed above, neither Roberts nor Wyman nor Leyba disclose an electronic asset assigned by a user having one of a plurality of user accounts and controlling the assignment of the license of the electronic asset to another user having another one of the plurality of user accounts. These limitations are recited in claims 1, 12, 16, and 22. Therefore, claims 1, 12, 16, and 22 are patentable over Roberts, Wyman, and Leyba.

Ginter discloses a system for secure transaction management and electronic rights protection. Ginter does not disclose, teach, or suggest an electronic asset assigned by a user having one of a plurality of user accounts and controlling the assignment of the license of the electronic asset to another user having another one of the plurality of user accounts. Therefore, Ginter does not cure the deficiencies of Roberts, Wyman, and Leyba. Thus, claims 1, 12, 16, and 22 are patentable over Roberts, Wyman, Leyba, and Ginter.

Claims 2-5, 7-11, 13-15, 17-21, and 23-28 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, Applicants submit that claims 2-5, 7-11, 13-15, 17-21, and 23-28 are patentable over Roberts, Wyman, Leyba, and Ginter for at least the reasons set forth above.

Conclusion

In view of the remarks set forth above, Applicants submit that claims 1-5 and 7-28 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 11/12/03

Lisa Tom
Lisa Tom
Reg. No. 52,291

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1026
(503) 684-6200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on:

11/12/03

Date of Deposit

Annie Pearson

Name of Person Mailing Correspondence

Annie Pearson
Signature

11/12/03
Date